

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN B. ORDILLE, INC., et al.,

Plaintiffs,

v.

ORDER
08-CV-869S

LENNY'S PRODUCE, INC., et al.,

Defendants.

1. On November 28, 2008, Plaintiffs' counsel, Devin J. Oddo, Esq., filed a Motion to Waive Local Counsel pursuant to Rule 83.2 of this district's Local Rules of Civil Procedure. (Docket No. 2).

2. Only members in good standing of the bar of the Western District of New York may appear as attorneys of record. Local Rule 83.2 (a) requires that all counsel, whether admitted to this district or not, must either maintain an office in this district or retain local counsel.

3. Local Rule 83.2(a) provides that the court, may waive the local counsel requirement for "good cause shown." Local Rule 83.2(a). Waiver of local counsel is within discretion of the Court.

4. Here, Plaintiffs' counsel is neither admitted to practice in the Western District of New York nor does counsel maintain an office in this district. Under Local Rule 83.2, counsel must demonstrate good cause to waive the requirement of local counsel. Plaintiffs' counsel asserts that because the "PACA (Perishable Agricultural Commodities Act) is a unique area of law, very few attorneys possess similar knowledge [and familiarity]." (Docket No. 2). This argument fails to demonstrate good cause as local

counsel are knowledgeable attorneys and are familiar with the local rules of practice in this district. Accordingly, Plaintiffs' Motion to Waive Local Counsel (Docket No. 2) is denied.

IT HEREBY IS ORDERED, that Plaintiffs' Motion to Waive Local Counsel (Docket No. 2) is DENIED.

FURTHER, that Plaintiffs shall retain local counsel within 30 days of the filing date of this Order.

SO ORDERED.

Dated: December 10, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge